

October 15, 2008

1

TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 15, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
HENRY VAN LEEUWEN  
HOWARD BROWN  
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

REGULAR\_MEETING

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MR. ARGENIO: I'd like to call to order the October 15, 2008 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

October 15, 2008

2

MR. ARGENIO: We have a full board here, Neil, Howard, Dan, Henry is here. Mr. Van Leeuwen told me that he will not be at the next meeting.

October 15, 2008

3

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:

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WINDSOR\_HEIGHTS\_MOBILE\_HOME\_PARK

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MR. ARGENIO: Mobile home park review, Windsor Heights  
Mobile Home Park. Is there anybody here to represent  
this?

MR. BABCOCK: Maybe they're running late, Mr. Chairman.

MR. ARGENIO: We're a minute or two early so we'll just  
table it. Actually, it's exactly 7:30 right now which  
brings us to the next item which is a public hearing  
for Louie's Auto Driving School.

PUBLIC\_HEARINGS:

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LOUIE'S\_AUTO\_DRIVING\_SCHOOL\_(08-10)

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MR. ARGENIO: Louie's Auto Driving School on Windsor Highway represented by Mercado. Is there somebody here to represent this from Mercado or somebody else? Can you please give your name and the firm you're with for the benefit of Franny?

MR. BUCCO: Joseph Bucco, design firm of Joseph Bucco, Carlisle Way, Washingtonville, New York.

MR. ARGENIO: Would you turn that to face the board and tell us what you'd like to do there first and we'll review it as a board and then we'll go right to the public hearing?

MR. BUCCO: Okay, presently, on the location of 297 Windsor Highway is a small residential building one story, it's in the commercial zone, what Mr. Mercado would like to do is take the existing building and turn it into a commercial building. And the addition with that is to put on in the rear two small building additions totaling a total of 541 square feet.

MR. ARGENIO: Let me interrupt you for one second, just let me ask this. If you're to come out of Willow Lane, make a left on 32 going south, are you directly next to the proposed development they're doing on the corner or further to the south than that?

MR. MERCADO: We're further south.

MR. BUCCO: Right next to Mr. Transmission.

MR. BABCOCK: Right across from Gloria's.

MR. BUCCO: Being it has to be, you know, a commercial piece of property what we need to do is have proposed

parking spaces enough for the building itself, okay, proposed garage which would hold another two vehicles for Mr. Mercado and the driving school. We plan on running a curb along the property line separating this property and Mr. Transmission to keep the water from draining onto his property. The slope goes, if you're looking at the site plan from right to left so we also have a grade along I believe there's a doctor's office to the right side which we have to put a retaining wall. One of the questions that was asked today I believe from the fire inspector to have a 30 foot lane in front of the building which we do once you enter from Route 32 there's sufficient room for emergency equipment.

MR. ARGENIO: Are you altering the curb cut on 32?

MR. BUCCO: Yes, it's a 24 foot proposed, we received an okay from the county I believe, I don't know if you were furnished with that letter.

MR. VAN LEEUWEN: Has to be the state, state highway.

MR. ARGENIO: Myra, we're bouncing a little bit but did we hear from county on this yet?

MR. CORDISCO: Yes, it's dated September 13, there was a response from county.

MR. ARGENIO: Their comment is that it's consistent with the development of the area so you're going to be altering the curb cuts on the state highway?

MR. BUCCO: Yes.

MR. ARGENIO: Is the second page of the plan that we have here a proposed landscaping plan or existing landscaping plan?

MR. BUCCO: That's a proposed landscaping plan.

MR. ARGENIO: Where does the wall go?

MR. BUCCO: The wall goes along if you're looking at the plan along the right side from the front property line continuing all the way to the rear property line.

MR. ARGENIO: What type of wall is it?

MR. BUCCO: It's going to be block retaining wall with split rail fence.

MR. ARGENIO: So the dry block walls?

MR. BUCCO: Yes.

MR. ARGENIO: How tall is it?

MR. BUCCO: I believe it's like 6 feet.

MR. VAN LEEUWEN: That's right next to the transmission place?

MR. BUCCO: No, it's on the opposite side of the transmission place.

MR. ARGENIO: I think that's on the south property line, correct?

MR. BUCCO: Yes.

MR. EDSALL: Yes.

MR. BUCCO: The side facing the transmission place is just a concrete curb.

MR. ARGENIO: Who used to own that? Who owns it now or who used to own it?

MR. BUCCO: Mercado owns it now.

MR. VAN LEEUWEN: You don't know who the former owner was?

MR. MERCADO: I believe it was the dentist who owns the property now.

MR. ARGENIO: Neil or Howard, if you guys have any questions?

MR. SCHLESINGER: Do you own this property right now Mr. Mercado?

MR. MERCADO: Currently yes I do.

MR. SCHLESINGER: Does somebody live in the house right now?

MR. MERCADO: No, it's vacant.

MR. SCHLESINGER: It's been vacant for a while?

MR. MERCADO: Three or four months.

MR. SCHLESINGER: You've owned it for that whole period of time?

MR. MERCADO: Correct.

MR. ARGENIO: Mark, direct this towards Dominic rather on these plans do we need a plan stamped by a licensed professional?

MR. CORDISCO: Well, it's not a clear cut question only, there's not a clear cut answer I should say because typically for and this is not a subdivision this is a site plan, for a subdivision and for structural features you need a licensed profession for those plans. But for site plans where you have structural elements then you also need a licensed

professional as well.

MR. ARGENIO: What was the second part of that?

MR. CORDISCO: For site plans where you have structural elements.

MR. ARGENIO: Like a wall?

MR. CORDISCO: Correct.

MR. EDSALL: There's a clear description of site plan preparation and it says under the description of architects what portion of the site plans they can prepare for the surveyors it's even more of a gray zone but it references site plan preparation so it's referenced in the State Education Law so it is part of the--

MR. CORDISCO: And it's been this board's practice to require.

MR. ARGENIO: That's fairly vague and ambiguous so it's not the law but it's been our practice to do it.

MR. CORDISCO: Well, it is the law, correct.

MR. ARGENIO: Mr. Bucco, I want just a brief word about the wall. Mark, this wall that he's talking about when we get to an elevation that's higher than 4 feet we typically need geogrid things of that nature if that wall is planned right against the property line it's taller than 4 feet the structural stability of the wall is going to be problematic, is that correct or incorrect?

MR. EDSALL: You're correct. And one of the issues that I brought forth is that I still have some finalization that I think is needed on the grades, there's some other areas where I'm concerned about the



grades, clearly he doesn't have room to have geogrid so if the wall reaches a height where a block wall even if it is reinforced doesn't work and it would have to be poured concrete wall, in any case, it's not that tall in some areas, I think it's only a foot tall in some areas. I think it really just goes above 4 to 5 feet, that's it.

MR. ARGENIO: Typically you see the structural re-enforcement when you hit 48 inches, 56 inches.

MR. EDSALL: I think it's over 4 or 5 foot.

MR. SCHLESINGER: I have a question, two part question, in the rear of the building, in the rear of the property is that zoned commercial, Mike?

MR. BABCOCK: No, that's an R-4.

MR. SCHLESINGER: Does anybody live in close proximity to the rear of your property?

MR. MERCADO: Not within eye distance.

MR. SCHLESINGER: So at least a couple hundred feet you're saying?

MR. MERCADO: Yes.

MR. VAN LEEUWEN: Well, there's a ditch that runs behind all that property that's 20 foot wide.

MR. SCHLESINGER: Could you quickly not long drawn out thing just tell me the nature of your business?

MR. MERCADO: It's a driving school, I teach behind the wheel instruction.

MR. SCHLESINGER: I'm sorry?

MR. MERCADO: Behind the wheel instruction so generally it's just on the road.

MR. SCHLESINGER: You take people who want to learn how to drive out on the road?

MR. MERCADO: Correct.

MR. SCHLESINGER: They don't have a license?

MR. MERCADO: Correct.

MR. SCHLESINGER: You're allowed to take them out on the road and this is just non-commercial vehicles?

MR. MERCADO: Well, the vehicles are commercial.

MR. SCHLESINGER: So these are commercial vehicles?

MR. MERCADO: Yes.

MR. SCHLESINGER: Are they trucks?

MR. MERCADO: Two vehicles, two cars, two cars.

MR. SCHLESINGER: You own the cars?

MR. MERCADO: Yes, I do.

MR. SCHLESINGER: Somebody wants to learn how to drive and they have a car or their parents' have a car?

MR. MERCADO: I do not use their vehicles.

MR. SCHLESINGER: When you say commercial, what do you mean?

MR. MERCADO: Well, my cars are considered commercial vehicles because I have to have commercial insurance but it's a regular standard plate.

MR. SCHESINGER: It's not a commercial vehicle which I have in my mind a pickup truck or--

MR. ARGENIO: What he's getting at the vehicles are not over 18,000 pounds?

MR. MERCADO: No, Toyota Corollas.

MR. SCHLESINGER: These vehicles are kept on your property?

MR. MERCADO: Yes, they are.

MR. SCHLESINGER: And do you teach people how to drive on the property or most of it's done out on the road?

MR. MERCADO: Most of it's on the road, nothing on the property at all.

MR. SCHLESINGER: Fair enough, thank you.

MR. CORDISCO: Mr. Chairman, while you're having that discussion we were able to doublecheck and we took a look at the town's zoning code and it does require that the plans be prepared and stamped by a licensed professional.

MR. ARGENIO: That's the confident, concise answer that I was looking for.

MR. EDSALL: It's 300-86 (d).

MR. ARGENIO: Perfect if it goes left or if it goes right it's okay with me, but that confidence is what was looking for, great. Guys, I have a couple more questions I do want to get into. Let's give the public the opportunity to comment on this and then we'll open it back up. Specifically, when we open it up to the public, would you guys take a look at the landscaping

because I want to poll the group up here to see what your opinion is about that. On the first day of October, 2008, Myra prepared six addressed envelopes from list that she got from the town assessor with notice of public hearing for this applicant for today's date. At this point in time, if there's anybody who would like to speak for or against or just comment or even if you have a question on this application, please raise your hand, be recognized and you'll be afforded the opportunity to speak. Yes, sir, please stand up and come forward and give your name and address to Franny.

MR. BAKER: My name is Leonard Baker, I own the property that's known as KLJ Corporation. I'm on the north side along Route 32 of Lou's property that we're talking about. I have a question as far as drainage goes, surface water drainage especially in the rear part.

MR. ARGENIO: Mark?

MR. EDSALL: Are you talking about the drainage that's generated on the parking lot on the site?

MR. BAKER: Right, the surface water.

MR. EDSALL: That's one of the open issues that we're working on, it's all curbed so they're containing their entire developed portion of the property. One of the items that I'm looking to finalize is the grading so that Mr. Bucco has the grades finished, we know that it's going to drain to its collection system, he does have a collection system on the property within the curbed area.

MR. BAKER: I'm worried about the flow of the ground water that I don't get flooded.

MR. ARGENIO: Do you have a specific problem currently

on your property receiving water from this property that exists now or are you just trying to make sure that we don't allow him to create one?

MR. BAKER: Being that it's going to be paved from when I looked at the plans and it didn't like the curb went all the way back so I don't know how contained it is.

MR. ARGENIO: We'll have to make sure of that where those lots are so we should make sure that on the north side all that water is grabbed with a curb system.

MR. EDSALL: One of my issues is the grades that need to be developed on the paved area so that it drains to the catch basins and then how they're going to deal with the differential grade from that paved elevation to the existing grade.

MR. ARGENIO: Mr. Bucco, in your plan, show me where does the drainage go after development?

MR. BUCCO: Okay, right now, I have a curb running from the back of the building.

MR. ARGENIO: On the other side of the lot?

MR. BUCCO: Right, it's coming around to the garage and then picks up again on the other side of the garage, loops around towards the property, there's a catch basin at that point coming towards Route 32, I have another catch basin before it empties out onto Route 32.

MR. ARGENIO: So the water from the lot is brought towards 32, it's dumped in the swale on 32?

MR. BUCCO: Yes.

MR. ARGENIO: That's good.

MR. EDSALL: Existing catch basin on 32.

MR. VAN LEEUWEN: Only thing that's going to give Lenny a problem because Lenny's lower than this house is.

MR. ARGENIO: But it's going into the swale on 32, it's not going towards--

MR. BAKER: That's another problem, there's no swale on 32.

MR. VAN LEEUWEN: I don't know where that swale is.

MR. BAKER: When they put those curbs in all the water comes down and Lou doesn't know about it but he's going to find out this winter the swale is at the end of his driveway and he's going to have 4 to 6 inches of ice, it's going to be a nightmare coming in and out with the driving school but the water runs through the area enclosed by the curb.

MR. ARGENIO: That will be a good test for the applicants for the driving school, right, put them on a grade of ice.

MR. BUCCO: Yes, just to warn you about that you're going to have to watch it on 32 and do something about that.

MR. ARGENIO: Mark, we should look at that, sir, not to interrupt you but one of Mark's comments that he's given to Mr. Bucco is that we're looking for a little bit more information on the drainage on where the water is going to finally go.

MR. BUCCO: That's one of the reasons I'm here because I picked that question up when I reviewed the plans.

MR. ARGENIO: That's a very well thought-out question.

MR. BAKER: That's really all I'm concerned about just to advise him about it by 32 that his driveway's going to be full of ice, that as long as they're going to do something they may as well try and correct that, we haven't been able to get state DOT to do anything with it since they put the curbs in.

MR. ARGENIO: Like trying to move an elephant.

MR. BAKER: Exactly, outside of that like I say the main problem is the ground water in the rear of the property but you seem to have a handle on that where something's going to be done outside of that. I'm completely in favor of this project, I think it's a very good project, I think it's going to enhance the area.

MR. ARGENIO: It just has to be done correctly. Thank you very much. Anybody else? I'll accept a motion.

MR. SCHLESINGER: Make a motion.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on Louie's Auto Driving School. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Somebody chime in about the landscaping, does anybody have any thoughts on that? Neil?

MR. VAN LEEUWEN: I think it's a little light.

MR. SCHLESINGER: In the front.

MR. ARGENIO: I think so too in the front. Danny, you got any thoughts?

MR. GALLAGHER: In the front of the property.

MR. ARGENIO: Mr. Bucco, the flavor that I'm getting is that in the front there's really nothing shown, if you can fit something in there to try and dress the place up a little bit, I think it would be helpful.

MR. BUCCO: Just run it between property line and concrete curbing?

MR. ARGENIO: I believe so and typically I'll give you a flavor for what this board looks for, if you're going to do some landscaping in there and I shouldn't say this but I will, if it slides over a bit into the DOT right-of-way nobody really gets too twisted about it, we're trying to doll the place up and I'm sure Mr. Mercado would like his place to look presentable. I want to go through, I just want to look through Mark's comments, if anybody has anything else, please jump in. Do you have a copy of Mark's comments? Mark, will you give him a copy?

MR. EDSALL: Will do.

MR. ARGENIO: I want to just bring your attention to item number 2 in the bullets, there's a bunch of clean-up issues that are taken individually I don't think they're problematic but taken together they're problematic. The line striping needs to be four inches wide, the curb comment on bullet 4 the curb sidewalk drop must be indicated for the handicapped, you go to page 2 the first bullet there and then he's got four or five subbullets to that, I think it's clean-up issues, I don't, I mean, you need to indicate the elevations so



Mark can verify the direction of flow, verify the suitability of the codes, tells me you have a seven or eight or nine inch reveal somewhere, it's drafting clean-up issues is what I'm seeing here.

MR. EDSALL: Mr. Chairman, probably the biggest concern that I have and chimes very much in tune with the neighbor's comment is just the grades on his side of the property, they're just, there's one location where there's like a what appears to be and again I might be reading the plan wrong almost a 6 foot elevation difference so we have--

MR. VAN LEEUWEN: It's going right up a hill.

MR. EDSALL: Well, it's in the back, the left corner so we've got to deal with it now otherwise you won't be able to build it. That's probably the one that I think is going to take the most design effort.

MR. ARGENIO: You okay with that?

MR. BUCCO: Yes.

MR. ARGENIO: Lead agency coordination was issued on 8/4/08, we received responses from DOT and Orange County both concurring that New Windsor Planning Board assume lead agency. If somebody sees fit, I'll accept a motion we declare ourselves leads agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency under the SEQRA process. Roll call.

ROLL CALL

MR. SCHLESINGER      AYE  
MR. BROWN            AYE  
MR. GALLAGHER        AYE  
MR. VAN LEEUWEN      AYE  
MR. ARGENIO          AYE

MR. ARGENIO: You have to go to DOT because you're changing the curb cuts, I'm sure you're aware of this before you came in. What I think we should do--

MR. VAN LEEUWEN: He's got to get it stamped by an engineer.

MR. ARGENIO: Yes, I think that's clear.

MR. BUCCO: I'm sorry, do we come back here or is it--

MR. ARGENIO: I will share that with you, just let me finish. Neil and Henry and Danny and Howard, do you guys see any fundamental issues here? Is there anything jumping out at anybody?

MR. VAN LEEUWEN: Is there a drainage ditch that runs behind that property or is it stopped somewhere? I know where there was a ditch, most of the properties have a ditch in the back, I don't know if your property has a ditch in the back or not, I don't know.

MR. BUCCO: I don't believe it does.

MR. VAN LEEUWEN: Lenny, does your property have a ditch in the back for drainage?

MR. BAKER: My property is about 500 feet deep. The property you're talking about is 200 feet deep coming back from 32, my property widens out, I own behind him so he doesn't have any ditch in the back. The ditch you're talking about is 500 feet back from Route 32.

MR. SCHLESINGER: How are we getting rid of the trash?

MR. ARGENIO: There's a refuse structure on page one. Put a note that will be faced block. You're going to have to come back, I think what you should do is get plans cleaned up, get the issues addressed that we talked about. Mark, would you please make note that I want to make sure we check the front of this property to make sure that it can receive the flow of water that we're going to be inserting into it with this application? Maybe the swale's got to be cleaned out or opened up, I don't know but I want to make sure that we address the gentleman's concerns.

MR. EDSALL: With reference to DOT we'll specifically point that out.

MR. CORDISCO: Just to be clear on the record the code requires after you close the public hearing that you actually take action and approve it or disapprove within 62 days but really that time clock does not start to tick until the board takes action under SEQRA by making a SEQRA determination and closing SEQRA. But I just wanted to put the applicants on notice that the clock is not ticking.

MR. ARGENIO: Do you understand what he just said?

MR. BUCCO: It's ticking though.

MR. ARGENIO: No, it's not, it's not running.

MR. CORDISCO: It's dependent on them revising their plans, coming back and satisfying the board's concerns.

MR. ARGENIO: I don't think there's anything insurmountable, you have some things to do, it's always nice when a neighbor shows up and speaks in a favorable, positive, intelligent fashion. That's certainly always helpful. So you have some things to do. Thank you for coming in. What you will do is

you'll get ahold of Mark and I want the plans, I want Mark to review the plans before they go to DOT. Mark, you okay with that?

MR. EDSALL: Absolutely, I will work with him to make sure we get it cleaned up and we'll get it right out to DOT.

MR. ARGENIO: Send them to Myra so she can stamp them in, she'll get them up to Mark. Thank you.

REGULAR\_ITEMS:

UNITARIAN\_CHURCH\_UNITARIAN\_UNIVERSALIST\_CONGREGATION\_AT  
ROCK\_TAVERN\_SITE\_PLAN\_(08-02)

MR. ARGENIO: Unitarian Church at Rock Tavern. This application proposes construction of a 6,051 square foot church building to replace the 2,750 square foot building that burnt down. The plan was previously reviewed at the 11 June, 2008 planning board meeting. Hi, can you tell us who you folks are and who you represent and tell us what you're doing?

MS. LYBOLT: I'm Kelly Lybolt with Fuss & O'Neill.

MR. LANDRUM: Mike Landrum (phonetic), president of the UUCRT.

MR. ARGENIO: Okay, Miss Lybolt.

MS. LYBOLT: We were here last month, I think you saw this plan, Troy went through the details and overview of the site. Since you last saw the plan, it predominantly changed, it was essentially the detail of the septic system. We submitted that because this is an unusual septic system. We didn't achieve the percs we were hoping that this is something that could be reviewed by the town, by the town engineers, but as we worked out today we found out that it is in fact the county is going to need to review the septic system so we need to work with Mr. Edsall and get it over to the county for their review.

MR. ARGENIO: Yes, that's the fact, whenever you're outside of the standard septic absorption field they want you to try to make sure that you exhausted all efforts to get perc and any anomalies, seepage pits that the county wants.

MS. LYBOLT: We've tried it two times.

MR. VAN LEEUWEN: They took all the topsoil off, I tried to buy that lot 40 years ago and they took 4 foot of topsoil off that whole hill all the way through and sold it to Stewart.

MR. LANDRUM: Who's they?

MR. ARGENIO: You can't go get it back, it's gone.

MR. VAN LEEUWEN: All the housing that they did for Stewart, okay, all the topsoil comes off of Vance Road and I live in this area so I know the area very well, okay, and that's why you don't have any perc and that's why I couldn't find any perc.

MS. LYBOLT: I wish you would have told us that before we went there three times to perc the site. So now we have the system design and we're working with Mark's office to have them review it and go to the health department for review and we have some housekeeping to get it over to County Planning.

MR. ARGENIO: I want to read this comment from Mark, refuse location may not be acceptable from a fire code standpoint, verify with fire inspector's office.

MS. LYBOLT: Right, right now the refuse container is here against the building, we have another comment from the fire department so we'll resolve that issue. And the other comment from the fire department as well they're looking for a 30 foot fire access lane.

MR. ARGENIO: They typically do look for that and you guys certainly have room to do that.

MS. LYBOLT: We do but we're just kind of over the threshold of the one acre of disturbance so we want to work with Mark's office to see if we can find ways to reduce that so we're under an acre of disturbance.

MR. ARGENIO: You're right there and Troy has done a good job, actually he's very, very thorough.

MS. LYBOLT: Thank you.

MR. ARGENIO: I'm surprised that that SWPPP thing is--

MS. LYBOLT: It's pretty close so we'll see I think it's--

MR. ARGENIO: Probably the thinness of a line, it's a line weight issue, let's go with that one.

MR. EDSALL: I don't know if that will cut it but--

MR. ARGENIO: He typically is very thorough, that's been my experience. So, you know, you're going to do what you need to do, let's just go over this again if you guys want to comment, if anybody has anything please jump in. I want to just go through Mark's comments quickly.

MR. SCHLESINGER: I have a question, what's the purpose of the water storage tank?

MS. LYBOLT: For fire suppression.

MR. SCHLESINGER: You're not, you're lacking pressure?

MR. BABCOCK: There's no town water there.

MR. ARGENIO: Volume and pressure.

MR. VAN LEEUWEN: I wish there was.

MR. LANDRUM: If you can find your way clear to waive that we'd sure appreciate it.

MR. ARGENIO: He says it with such a straight face.

MR. VAN LEEUWEN: How many square feet is the building?

MR. ARGENIO: He's over, non-issue. It's nothing we need to even discuss. We waived the public hearing on this, did we not?

MR. SCHLESINGER: It says in Mark's notes.

MR. ARGENIO: If I remember correctly, I was the only descending vote that wanted to have the public hearing four to one, this was the one I was, everybody voted me down. Okay, so that's good, you're passed that. Did it go to county, Myra?

MS. MASON: Not yet, no.

MR. ARGENIO: Can we get that to county?

MS. MASON: Sure.

MR. ARGENIO: You guys are going to have to do the health department dance.

MS. LYBOLT: We talked to them today so I think that we'll get that under control. The one thing that Troy said he did want me to go over with you was the Phase 2 parking which is proposed to be, it's everything that's shaded here.

MR. ARGENIO: You know what you need to do, I'm aware of what's going on there, Mark, can you just shed some light for the benefit of the other members what the church is proposing there for this parking?

MR. EDSALL: In early discussions with Troy they indicated that the total parking is actually designed for a membership greater than the membership they have now and is built anticipating growth in the membership. So what they're propose is to have Phase 1 parking



which is paved immediately and then build a loop with parking that's gravel as overflow parking, once the membership gets up to a point where that becomes required parking by code then they'll pave it. Until then, it will just stay gravel.

MR. ARGENIO: Important thing is at this point it's not required by code.

MR. SCHLESINGER: Parking is relative to the amount of members or the size of the building?

MR. EDSALL: Based on members, it's based on quantity of members and in all honesty, it's good that they're building the gravel loop now because that's good for the traffic flow, it's good for fire access, deliveries.

MR. ARGENIO: We know fires could be a problem up there.

MR. EDSALL: So it is a good thing.

MR. BABCOCK: That's why we don't want to waive the sprinkler.

MR. SCHLESINGER: Is that where the fire is giving you a hard time?

MS. LIBOLT: We didn't talk to him about circulation.

MR. EDSALL: The 30 foot is a requirement for a single story building which is the standard that they--

MR. ARGENIO: That loop will bode very well for you.

MR. VAN LEEUWEN: How big is the tank that you're burying?

MR. BABCOCK: That's probably yet to be determined

based on sprinkler heads unless they've done that.

MS. LYBOLT: I don't think we've that done yet.

MR. ARGENIO: As I said, he's covered most everything. You need to get the DOH thing wrapped up but you're well on your way. Guys, anything else for these folks? Ma'am, thank you for coming in.

MS. LYBOLT: Do you have a list of the things that we need to get?

MR. ARGENIO: Yeah, you're going to get that.

MR. EDSALL: Mr. Chairman, one other thing that counselor points out very correctly now that we're aware that there's an Orange County Health Department approval required which we weren't sure of up till today, we'll do a lead agency circulation just so we follow the proper procedure. I'll take care of that.

MR. ARGENIO: Motion to circulate that letter, somebody offer motion to circulate?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor circulate a lead agency coordination letter. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark, did they include the solar lighting? I believe they did.

MR. EDSALL: Yes, as a matter of fact, the Phase 2 lighting which is the remote lighting is listed as an alternative of solar and the plan which would save you the conduit runs and everything else.

MS. LYBOLT: This is a project being designed for the LEED certified.

MR. ARGENIO: I made an announcement a couple meetings ago that we're going to strongly encourage people to look for LEED certifications on buildings.

MS. LYBOLT: Hopefully, you can promote this after it's built, I don't know what level we're going to but they'll be getting that accreditation.

MR. ARGENIO: That's fantastic, I'm glad to hear that I have an idea that works, doesn't happen too often. Thank you very much.

CERIALI\_&\_LUBKEMAN\_LOT\_LINE\_CHANGE\_(08-15)

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MR. ARGENIO: Ceriali and Lubkeman lot line change, Mt. Airy Road. Proposed diagonal shift of a lot line between the indicated lots to address an encroachment of a driveway on lot 83.1 the Lubkeman lot. Ma'am, can we have your name for the record?

MS. HILLRIEGEL: Margaret Hillriegel, H-I-L-L-R-I-E-G-E-L. And this is Bruce Lubkeman. Basically, what we have is two residential lots with an existing driveway. There is presently 5 feet and 9 feet over the property line, we're proposing a shift through the parking lot.

MR. ARGENIO: Show me the old line.

MS. HILLRIEGEL: Old line is here.

MR. VAN LEEUWEN: Just a little pie.

MS. HILLRIEGEL: It's a very small piece.

MR. ARGENIO: What's the genesis of this?

MR. LUBKEMAN: So I have access to my driveway.

MR. ARGENIO: You have a friendly neighbor or it's your daughter or son?

MR. LUBKEMAN: No, it's my neighbor for 22 years.

MR. ARGENIO: Somebody realized at some point in time that your driveway was on his property and you guys got together and said maybe it's a good idea we should clean this up?

MR. LUBKEMAN: Yes.

MR. ARGENIO: It's nice when people work together.

MR. EDSALL: It's a wonderful thing.

MR. ARGENIO: It's a fantastic thing.

MS. HILLRIEGEL: Unusual too.

MR. ARGENIO: That's it, just the pie shaped piece of property?

MR. EDSALL: It's as simple as that.

MR. ARGENIO: What about the telephone pole, no problem with the telephone pole?

MR. LUBKEMAN: It would have been.

MS. HILLRIEGEL: The pole only supplies Lubkeman, serves the one house so it will now be on the property that it is serving. When the Lubkeman's house was built, it was owned by Fred Buck whose family owned all this land so there's a good chance that these issues came long before the Lubkemans did because it was a family piece.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I know the situation and I know Fred Buck too.

MR. ARGENIO: Mark, am I missing something here?

MR. ARGENIO: There's not much to miss. It's very simple, Margaret was able to get a plan together very quickly that shows what needs to be corrected and in fact maintains zoning compliance.

MR. ARGENIO: Let me ask a stupid question. Do we have a problem being near an AG district with the county?

MR. EDSALL: With a lot line change I don't believe there's any issue. There's no improvement proposed. The only thing I will point out just for the record is that the one side yard setback for lot 83.1 is a pre-existing, non-conforming setback that's actually being made better by this lot line change so there's a noncompliance but it's actually being made better.

MR. ARGENIO: You guys see that it's 22 1/2 feet there?

MR. EDSALL: Well, the 22.5 is what, the new dimension, correct?

MS. HILLRIEGEL: That's correct, that's the new dimensions.

MR. ARGENIO: I just said 22.5. Did he make you buy the land or give it to you?

MR. LUBKEMAN: They're paying for all expenses for the--

MR. ARGENIO: I hope you're being fair with them.

MS. HILLRIEGEL: I think I am, yes.

MR. ARGENIO: How do you guys feel about a public hearing?

MR. SCHLESINGER: No.

MR. BROWN: No.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No public hearing.

MR. SCHLESINGER: I agree.

MR. ARGENIO: Motion to waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we waive public hearing for the Ceriali and Lubkeman lot line change.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion we declare a negative dec under SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for the Ceriali and Lubkeman lot line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Am I missing anything?

MR. CORDISCO: You can move on.

MR. ARGENIO: Preliminary final, final approval, waiving something, not waiving something?

MR. CORDISCO: Well, at this point, you can combine preliminary and final into the one. Just for the record, we'll prepare resolutions.

MR. EDSALL: Clearly there's no need for a public hearing since you waived the preliminary as well.

MR. ARGENIO: I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Ceriali and Lubkeman lot line change.



October 15, 2008

33

Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. LUBKEMAN: I would like to thank the board.

MR. ARGENIO: You're welcome. Very well represented and well done set of plans without a lot of mystery on it and that certainly makes it a lot easier.

DISCUSSION

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PAR\_3

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MR. EDSALL: The existing recreational, outdoor recreational facility Par 3 as it's known in many cases John Alva's site, the proposal has been brought forth as to what approvals would be needed to have a portion of the site have a secondary use still outdoor recreation but paintball competitions. So I met with John at the workshop and we went into the town's code and the code is I hate to say so old that they probably hadn't invented paintballs when they wrote the code but nonetheless, we discussed setbacks that would be appropriate based on the range of paintballs and so on.

MR. ARGENIO: What setbacks did you come up with?

MR. EDSALL: I asked John how far does a paintball go, he said 50 to 75 feet so--

MR. ARGENIO: Oh, does he lie.

MR. EDSALL: Always subject to your review.

MR. ARGENIO: Go ahead.

MR. EDSALL: So he's proposing 100 foot setback from any property line, obviously you can discuss it with him, he's here tonight. But what we did was I suggested that he create a narrative to explain the use, the criteria on which he would operate this, it's a partial use, he maintains also separation from the golf course. Obviously we don't want golfers to get nailed with paintballs cause paintballs can clearly go further.

MR. ARGENIO: So the problem guys is that we don't have a law or a rule that governs paintballs or paintball wars, whatever they are, so Mark thought it prudent and

I give John all the credit for coming to the town saying this is what we're going to do.

MR. EDSALL: The outdoor recreation use is recognized and it's an approveable use and he has outdoor recreation but all the setbacks that are required that apply to that use, paintball isn't listed as one, that's why he's here.

MR. BABCOCK: And in back where he wants to do this I'm sure there's no neighbors, it's all woods, all right, around him so--

MR. VAN LEEUWEN: It's all farm property.

MR. BABCOCK: All farm.

MR. ARGENIO: John, now it's your time. How many acres do you have?

MR. ALVA: About 60.

MR. ARGENIO: Is this operation predominantly in the woods?

MR. ALVA: No, a good portion of it is. Let me tell you why I'm here. I have been running paintball but just on a day or two here and there when I know golf is slow.

MR. ARGENIO: You can make money.

MR. ALVA: I do, it's actually pretty good, it's a good extra thing, I was going to build like a senior housing thing, market went and I need to kind of keep making a living, that's why I built the dome and I was doing it and I went to my insurance agent who basically says last year and the year before that it was have the kids chip in \$5.00 a piece, you give it to me, you write their names down and they're insured. And this year he

wanted all the different things listed and he's going to put it into one package and I said well, there's nothing really written for that.

MR. ARGENIO: You're giving us way more than we need.

MR. ALVA: I'm letting you know where I'm going so that's why I'm here. So that's the reason why I said 100 foot because a real gun is 500 feet, I know a paintball goes a long way.

MR. ARGENIO: I have four paintball guns semi-automatic.

MR. EDSALL: How far do they go?

MR. ARGENIO: Probably a little further than 100 feet but not much.

MR. BABCOCK: Frozen?

MR. ARGENIO: No.

MR. SCHLESINGER: What occurs if Henry and Mike we're playing paintball, does Henry go out into the woods and hide and Mike has to shoot him?

MR. ARGENIO: That's how it is.

MR. BABCOCK: How about me and you?

MR. SCHLESINGER: Let's just assume that Henry breaks the rules and goes out to the border of the property and now Mike shot him 10 feet from the border of the property, Mike's a good shot but he misses him and it goes out of the property?

MR. ARGENIO: You're right, first of all, the guy that goes out of bounds is disqualified, there's, number one, there's referees.

MR. SCHLESINGER: Alls fair in love and war.

MR. ARGENIO: I've never been to John Alva's but I have taken my kid and his friends to this paintball war thing out in Plattekill for their birthday. They have a boundary which would be the offset requirement, the 100 foot which I think is probably pretty reasonable and there are referees with referee things on and if you go out of bounds, they flag you and they disqualify you. So it's a good question but yeah that's--

MR. SCHLESINGER: This is all organized type of thing, not five kids go out--

MR. ALVA: No, there's a place you start and a place you finish and referees with the two referees in the middle and you're, it's like capture the flag. They have helmets, all the kids wear two and three pairs of shirts.

MR. ARGENIO: When my son and I go out with our paintball guns, its way different than when we go in the back in the Babcock woods shooting at your house, it's different than that. Just so you know, let me say this to you, John, and I'm going to go around the room and we need to take this seriously, this is not a joke, I'm sure I don't have to tell you guys that, but if we get complaints, if Mike's office gets complaints about the trees being shot across the way, about the guy's house being shot next door, it's going to be a problem, John, not for me, problem for you. Do you guys have any other thoughts?

MR. GALLAGHER: Sound issues?

MR. ARGENIO: Almost no noise.

MR. SCHLESINGER: Can't happen at night?

MR. ALVA: It can happen.

MR. SCHLESINGER: Can it happen at night?

MR. ALVA: This is when I've been doing for years at night.

MR. SCHLESINGER: Then there's lights?

MR. ALVA: Same lights as the Par 3 has. I'm not adding any lights. I have the lights already there and we do that and we do flag football games at night as well.

MR. CORDISCO: Given the potential for issues like that having discussed tonight and the potential for complaints, I would suggest that perhaps you have him back in a year just to evaluate and you could hear from Mr. Babcock as to whether or not--

MR. ARGENIO: Have you had any complaints?

MR. BABCOCK: No.

MR. ALVA: I've been doing it for about--

MR. BABCOCK: Honestly, Mr. Chairman, didn't know he was doing it.

MR. ALVA: --three years.

MR. ARGENIO: Get him back here, I have no problem.

MR. CORDISCO: Just a suggestion.

MR. ARGENIO: Mark or you were going to say something?

MR. EDSALL: I was going to point out one of the things we talked about at the workshop was a list of restrictions or guidelines that John is offering. For

the record, I'm just going to quickly read them, that it's an overlapping use with golf cause again, he may have cases where both occurs, areas of paintball are marked off by orange cones, obviously, referees know where the paintballs will be. All paintballs will be 100 feet from property line, active golf, and active sports dome, shooting distance of a paintball gun is 50 to 75 feet, no additional outside lighting other than existing golf course dome and parking lots, he will have no outside P.A. system which is in the code, that's a concern and he's suggesting that he needs no additional parking since the golf activity is cut back and limited when he's got the paintball events, he kind of trades off uses. So those are the items we came up with at the workshop.

MR. GALLAGHER: Not doing anything with the CO2 gas for the guns?

MR. ALVA: I don't think it's CO2, I think it's actually air but I don't sell it nor do I sell the paintballs.

MR. GALLAGHER: Not doing refills on the tanks?

MR. ALVA: No, I didn't do that just because it's cheaper for them to go to Wal-Mart or Play It Again Sports.

MR. ARGENIO: That gas is the same gas that's used in the soda dispensers, CO2.

MR. GALLAGHER: I've got a paintball gun too.

MR. ARGENIO: Anybody else? Mark, what do we need for this?

MR. EDSALL: Well, we just--

MR. ARGENIO: Discussion clear on the record.

MR. EDSALL: Dom and I discussed what are we really doing, well, the use is already outdoor recreation use, it's already approved, he's proposing no outside improvements. So there's really no plan to approve. He's committed to coming back after a year so that if our presumptions in how it's being managed since there's no guidance in the codes he's coming back in a year for it to be reconsidered, I don't know if there's anything you need to do.

MR. ARGENIO: I agree completely.

MR. EDSALL: The minutes will reflect that the board has considered it, has set what they believe are appropriate limitations with Mr. Alva and they are saying that they have no objection to it. And in fact it's acknowledged by the town that he's going to do it and after a year it's not as if you're going to tell him he can or can't do it in a year, you're going to adjust the controls if they seem to not be working.

MR. ARGENIO: Thank you, John, nice seeing you again.

MR. ALVA: Thank you.



MINUTES

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MR. ARGENIO: Anything else? Just for the benefit of everybody, George Green the boss he's looking for ways to save money in this town. He's trying very hard to balance a budget faced with the increased cost of fuel and how many other things that are out there. Neil, you're in the restaurant business, you certainly can understand some of the things and it may seem a little silly to everybody but I want to throw it out because I want everybody to agree or not agree to it. He said can we try to save a little bit of money at the planning board level with paper, let's not use paper, let's not circulate the minutes to the members, let's e-mail the minutes to the members. If the members are willing to do this e-mail the minutes of the meetings to the members, mechanics of how we do it we'll figure out Mike and Myra will figure out, there's probably some requirement in the law, Dominic, where we have to keep a hard copy at Town Hall?

MR. CORDISCO: Certainly, of course.

MR. ARGENIO: And we can do that but are you guys, can you guy's live with that? Is that something you can live with?

MR. VAN LEEUWEN: I have no problem.

MR. ARGENIO: We ran quick numbers George and I and just if in our simple archaic way of doing it figure copies at 4 cents a piece, it's like \$35.00 a meeting it would save.

MR. EDSALL: You know what it cost me to store all of them? I'd rather have them electronic.

MR. ARGENIO: What's it cost on Flashdrive?

MR. SCHLESINGER: Absolutely.

MR. VAN LEEUWEN: Absolutely.

MR. GALLAGHER: Yes.

MR. ARGENIO: Do you have everybody's respective e-mails?

MS. MASON: I do.

MR. ARGENIO: How's my legalese with this?

MR. CORDISCO: As long as copies are kept, hard copies are kept in the office so that anybody can inspect them that's the important thing.

MR. ARGENIO: How are we going to do that? Do you keep copies now or send them to Debbie?

MS. MASON: I keep them until you approve them and they go to the Town Clerk.

MR. ARGENIO: That's what we'll do, you keep them until we approve them, then they'll go to the Town Clerk. Thank you very much. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER        AYE

MR. BROWN              AYE

October 15, 2008

43

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

